

From: Geoff Murray
To: Microsoft ATR
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Subject: Microsoft Settlement

When I joined Intel in 1997, they had a well defined roadmap for releases of faster new processors. But when AMD caught up to and surpassed Intel's performance in 2000, Intel aggressively pulled in its release schedules to be more competitive. That's the kind of competitive pressure that benefits consumers.

Microsoft does not have that kind of competitive pressure. This vacuum allows Microsoft to manage its roadmap as it sees fit, and consumers just have to accept it. The question is not whether Microsoft's products are getting better (they are), it's how much better would they be if they had competition. The gap between what Microsoft is delivering now and what Microsoft would be delivering if it had competition is the measure of society's loss from Microsoft's monopoly.

As a consumer, I was appalled by the Justice Department's actions in settling this law suit. After Microsoft had been found guilty of illegally maintaining its monopoly, the Justice Department unilaterally disarmed themselves by announcing they would not seek a breakup of Microsoft. Then they announced a settlement that had no penalties, no admission of guilt, and a series of restrictions riddled with loopholes and escape clauses.

This settlement does very little to protect consumers from Microsoft's monopoly power. It creates a situation where future illegal Microsoft actions require further negotiations or further expensive, time consuming court actions to be stopped. By taking a hard line on every upcoming issue, Microsoft can delay and negotiate concessions to actions that are harming consumers. Thus, this settlement provides inadequate consumer protection.

After reading about the Enron bankruptcy scandal, it is clear that the Executive Branch and Legislative Branch have serious conflicts of interest that limit their ability to control large businesses. Only the Judicial Branch, which does not need re-election funding, has the independence needed to protect consumers from over zealous corporations. Microsoft has shown contempt for this anti-trust trial since it began. The newly appointed Justice Department leadership has shown very questionable judgment. It is now up to the Judicial Branch to assert its authority in protecting the rights of consumers by rejecting this proposed settlement.

Sincerely,

Geoff Murray